



1 this Complaint, Plaintiff United States Equal Employment Opportunity Commission (“Plaintiff”  
2 or “Commission”) alleges that Defendant Sierra Creative Systems, Inc. dba Addressers  
3 (“Defendant”) unlawfully subjected the Charging Parties and a class of similarly aggrieved  
4 individuals to sexual harassment, including *quid pro quo* harassment and/or a hostile work  
5 environment, as well as sex-based harassment in violation of Title VII. The Commission also  
6 alleges that Defendant further violated Title VII by subjecting the Charging Parties and a class of  
7 similarly aggrieved individuals to retaliation.

### 8 JURISDICTION AND VENUE

9 1. Jurisdiction of this Court is invoked pursuant to 28 U.S.C. §§ 451, 1331, 1337,  
10 1343, and 1345. This action is authorized and instituted pursuant to Section 706(f)(1) and (3) of  
11 Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e-5(f)(1) and (3) (“Title  
12 VII”) and Section 102 of the Civil Rights Act of 1991, 42 U.S.C. § 1981a.

13 2. The employment practices alleged to be unlawful were committed within the  
14 jurisdiction of the United States District Court for the Central District of California.

### 15 PARTIES

16 3. Plaintiff is an agency of the United States of America charged with the  
17 administration, interpretation, and enforcement of Title VII and is expressly authorized to bring  
18 this action by Sections 706(f)(1) and (3) of Title VII, 42 U.S.C. § 2000e-5(f)(1) and (3).

19 4. At all relevant times, Defendant has continuously been a corporation doing  
20 business in the State of California and the County of Los Angeles, and has continuously had at  
21 least 15 employees.

22 5. At all relevant times, Defendant has continuously been an employer engaged in an  
23 industry affecting commerce under Section 701(b), (g) and (h) of Title VII, 42 U.S.C. §§  
24 2000e(b), (g), and (h).

25 6. At all relevant times, Defendant employed the Charging Parties and a class of  
26 similarly aggrieved individuals.

27 7. All acts and failures to act alleged herein were duly performed by and attributable  
28 to all Defendants, each acting as a successor, agent, alter ego, employee, indirect employer, joint

1 employer, integrated enterprise, or under the direction and control of the others, except as  
2 specifically alleged otherwise. Said acts and failures to act were within the scope of such agency  
3 and/or employment, and each Defendant participated in, approved, and/or ratified the unlawful  
4 acts and omissions by the other Defendants complained of herein. Whenever and wherever  
5 reference is made in this Complaint to any act by a Defendant or Defendants, such allegations  
6 and reference shall also be deemed to mean the acts and failures to act of each Defendant acting  
7 individually, jointly, and/or severally.

8 8. Plaintiff is ignorant of the true names and capacities of each defendant sued as  
9 DOES 1 through 10, inclusively, and therefore Plaintiff sues said defendants by fictitious names.  
10 Plaintiff reserves the right to amend the complaint to name each DOE defendant individually or  
11 corporately as it becomes known. Plaintiff alleges that each DOE defendant was in some manner  
12 responsible for the acts and omissions alleged herein and Plaintiff will amend the complaint to  
13 allege such responsibility when the same shall have been ascertained by Plaintiff.

14 **STATEMENT OF CLAIMS**

15 9. More than thirty days prior to the institution of this lawsuit, Charging Parties  
16 Herminia Esqueda, Amaranda Cedillo, and Ana Palacios filed charges of discrimination with the  
17 Commission alleging violations of Title VII by Defendant.

18 10. The Commission conducted an investigation into the allegations in the Charging  
19 Parties' charges which included, but was not limited to, seeking documents and conducting  
20 interviews.

21 11. On September 8, 2017, the Commission issued to Defendant Letters of  
22 Determination finding reasonable cause to believe that Defendant had violated Title VII as to the  
23 Charging Parties and a class of similarly situated individuals. The Commission further invited  
24 Defendant to join with it in informal methods of conciliation in a collective effort towards a just  
25 resolution.

26 12. The Commission engaged in communications with Defendant to provide  
27 Defendant the opportunity to remedy the discriminatory practices described in the Letters of  
28 Determination.

1           13.     On March 2, 2018, the Commission issued to Defendant a Notice of Failure of  
2 Conciliation advising Defendant that the Commission was unable to secure from Defendant a  
3 conciliation agreement acceptable to the Commission.

4           14.     All conditions precedent to the institution of this lawsuit have been fulfilled.

5                               Statement of Title VII Claims

6           15.     Since at least 2010, Defendant has engaged in unlawful employment practices in  
7 violation of Sections 703(a) and 704 of Title VII, 42 U.S.C. §§ 2000e-2(a), 2000e-3 by  
8 subjecting the Charging Parties and a class of individuals to sexual harassment, sex-based  
9 harassment, and/or retaliation. The unlawful employment practices include but are not limited to  
10 those practices described in paragraphs 16 to 35 below.

11          16.     Defendant's business is divided into two main departments—the production  
12 department and the printing department. The production department is in charge of such tasks as  
13 loading paper and envelopes into the printing machines, operating the machines, as well as  
14 sorting, folding, and stuffing material by hand based on customer orders. The printing  
15 department, on the other hand, is in charge of such tasks as pre-press and printing operations.  
16 Although the two departments are separate, the departments interact with one another to fulfill  
17 customer orders. Miguel Islas worked as a supervisor in the production department at  
18 Defendant's North Hollywood, California facility and, thereafter, at its Paramount, California  
19 facility. As the supervisor of the production department, Islas not only directly supervised  
20 claimants who worked in the production department, such as Charging Parties Herminia Esqueda  
21 and Amaranda Cedillo, but Islas also interacted with claimants who worked in the printing  
22 department, such as Charging Party Ana Palacios. As the direct supervisor to Charging Parties  
23 Herminia Esqueda and Amaranda Cedillo and other claimants, Islas controlled their work and  
24 controlled their work schedule, including the assignment of hours and/or overtime. In addition to  
25 controlling their work and work schedule, Islas intimated to certain claimants that he would tell  
26 company President Kent Moon that they should be fired.

27     ///

28     ///

1           17.     Charging Party Herminia Esqueda began working for Defendant in late  
2 2009/early 2010 and worked as a machine operator in Defendant's production department when  
3 the unlawful employment practices occurred.

4           18.     Charging Party Amaranda Cedillo began working for Defendant in or around May  
5 2013. Ms. Cedillo worked as a machine operator in Defendant's production department and later  
6 worked in Defendant's printing department when the unlawful employment practices occurred.

7           19.     Charging Party Ana Palacios began working for Defendant in or around January  
8 2005. Ms. Palacios worked as a manger and later as a printing technician in Defendant's printing  
9 department when the unlawful employment practices occurred.

10                               Sexual and Sex-Based Harassment

11           20.     Supervisor Islas subjected the Charging Parties and a class of aggrieved female  
12 employees to severe or pervasive sexual and sex-based harassment. Islas' conduct was  
13 unwelcome by the claimants throughout their employment.

14           21.     Supervisor Islas' harassment of Charging Party Ana Palacios began in or around  
15 2010, and his harassment of Charging Parties Herminia Esqueda and Amaranda Cedillo began in  
16 or around June 2014. While he was working, Supervisor Islas would look for opportune  
17 moments to sexually harass the Charging Parties and other claimants. For example, when the  
18 claimants were trying to perform their work at the various printing machines, Islas would  
19 routinely and repeatedly invade the claimants' personal space and unnecessarily come up right  
20 next to them, brushing his body up against theirs, including with his private parts. While the  
21 claimants were working, Islas also would come up close to them and routinely and/or repeatedly  
22 graze his elbow along their breasts as well as inappropriately rub their backs, making comments  
23 about whether they were wearing bras and thereafter pulling on and/or snapping their bras.  
24 Although Islas would sometimes claim that it was an "accidente" (accident), Islas would engage  
25 in this type of behavior on a regular or repeated basis, including on a monthly and/or weekly  
26 basis at times.

27           22.     In response to Islas' unwelcome behavior, the claimants would object by trying,  
28 for example, to move away from him and/or cover their breasts when they were working at the

1 machines. Charging Party Ana Palacios even tried swatting Islas' arm away from her on  
2 multiple occasions. In response to their objections, Islas would state, for example, something to  
3 the effect of, "What are you doing?" or "Why are you moving away?" Notwithstanding the  
4 claimants' objections and protests, however, Islas continued to subject them to his harassing  
5 behavior.

6 23. In addition to subjecting the claimants to physical sexual harassment, Islas  
7 subjected them to unwelcome verbal sexual harassment. As the claimants were working, Islas  
8 would batter the claimants, including Charging Parties Herminia Esqueda, Amaranda Cedillo,  
9 and Ana Palacios, with inappropriate and offensive names, including, but not limited to  
10 "puta"/"zorra" (slut/whore/bitch), "vividora" (opportunist), and/or "mal cojida" (badly fucked).  
11 Islas also made myriad inappropriate, offensive, and unwelcome comments to the claimants. For  
12 example, in addition to calling Ms. Cedillo the above-noted names, Islas told Ms. Cedillo that  
13 she walked like a whore—bent over with her tail to the side and that he would be her pimp and  
14 split the proceeds with her. Islas also would make routine, repeated, and inappropriate  
15 comments about the claimants' bodies, including referencing the size of their breasts and butts  
16 and/or comparing their bodies to those of other female employees. For example, Islas regularly  
17 and repeatedly made comments about Charging Party Herminia Esqueda's body, including  
18 referring to her breasts as little lemons and making comments about how she had no butt.  
19 Similarly, Islas regularly and repeatedly made comments to Charging Party Ana Palacios  
20 regarding her body, including telling her that she walks hunched over like a woman with big  
21 breasts, asking her why she does not have a butt or where she left her butt, calling her "chichona"  
22 (big breasted) and "desculada" (no ass), and referring to her breasts as "bolas" (balls). Islas  
23 engaged in such conduct on a regular or repeated basis, including on at least a monthly and/or  
24 weekly basis. When the claimants would object to the unwelcome behavior, Islas would dismiss  
25 their complaints, stating, for example, something to the effect of, "Why are you complaining?  
26 You are not even that good looking."

27 24. Islas also subjected several claimants to unwelcome *quid pro quo* sexual  
28 harassment by propositioning them, intimating that they would be assigned more hours and/or

1 overtime if they did not object to Islas' unwelcome advances. For example, Islas told Charging  
2 Party Herminia Esqueda that she could make more money but she does not, in effect,  
3 "cooperate," which Ms. Esqueda understood to mean that if she did not object to Islas'  
4 unwelcome advances, he would assign her more hours/overtime. Islas also propositioned  
5 Charging Party Amaranda Cedillo after she commented about there being less work available,  
6 telling her, in effect, that "things could be different but that it was up to her." Ms. Cedillo  
7 understood this to mean that she would be assigned more hours/overtime if she did not object to  
8 Islas' unwelcome sexual advances. It was known that Islas assigned extra hours/overtime to  
9 those who did not object to his sexual advances.

10       25. In addition to subjecting the claimants to a sexually hostile work environment  
11 and/or *quid pro quo* harassment, Islas subjected the claimants to an unwelcome barrage of abuse  
12 based on their sex (female). Instead of referring to the claimants by name, for example, Islas  
13 would walk around the facility and routinely and/or repeatedly refer to the female employees  
14 individually or collectively as animals, including, but not limited to, "vacas" (cows), "bestias"  
15 (beasts), and/or "burras" (donkeys). Islas also routinely compared the female employees to  
16 animals, including dogs. For example, Islas stated that women are just like dogs, they are only  
17 good to lift their heads—No, at least a dog will lift his head. He also made a comment about  
18 loving his dog more than women. In addition, when machinery at the facility would not work or  
19 would need to be fixed, Islas would verbally abuse the female employees, telling the claimants  
20 individually or collectively that they are, among other things, useless, stupid, ignorant, good for  
21 nothing, and/or a bunch of useless idiots. Islas would also subject female employees to offensive  
22 and derogatory names, including "puta/zorra" (slut/bitch/whole), "mal cojida" (badly fucked),  
23 and/or "vieja" (old lady) or "pinche vieja" (fucking old lady), as well as other offensive  
24 statements based on their sex (female) as referenced above. Islas engaged in such unwelcome  
25 conduct on a regular or repeated basis, including on at least a monthly or weekly basis. Islas did  
26 not subject the male employees at the facility to such unwelcome harassing behavior.

27       26. Due to Islas' constant and escalating harassment of the claimants, some claimants,  
28 including Charging Parties Herminia Esqueda, Amaranda Cedillo, and Ana Palacios, complained

1 to members of Defendant's management, including, but not limited to, President Kent Moon,  
2 Human Resources representative Sameh Attiah, General Manager Cynthia Garcia, and/or Senior  
3 Account Manager / Printing Department Supervisor Lucia (aka "Lucy") Zavala, about Islas'  
4 discriminatory harassment. Notwithstanding the myriad complaints received, however,  
5 Defendant failed to take appropriate remedial action in response to these complaints. As a result,  
6 the claimants were subjected to ongoing harassment and/or retaliation thereafter.

7       27. For example, due to Islas' constant and escalating harassment, Charging Party  
8 Ana Palacios complained to Sameh Attia in or around the time Defendant put him in charge of  
9 Human Resources. Specifically, in or around 2015, Ms. Palacios complained to Sameh Attia  
10 about Islas' harassing behavior, which she described as happening all the time. As Mr. Attiah  
11 insisted her complaint be placed in writing and did not appear to keep complaints regarding Islas  
12 confidential, Charging Party Ana Palacios thereafter complained on myriad occasions to other  
13 members of management, including, but not limited to President Moon and Lucia Zavala, about  
14 Islas' harassing behavior. Like Charging Party Ana Palacios, Charging Party Amaranda Cedillo  
15 also complained about Islas' behavior on multiple occasions to management. For example, on or  
16 about January 19, 2016, Ms. Cedillo submitted a written, notarized complaint to President Moon,  
17 complaining about Islas' harassment, including, but not limited to, making persistent derogatory  
18 comments to her. As the behavior continued, Ms. Cedillo again complained on or about January  
19 26, 2016, and submitted another written complaint to President Moon regarding Islas'  
20 harassment and intimidation. In response to her complaint, Defendant moved Ms. Cedillo to  
21 another area in the facility; however, Islas continued to subject the claimants to his harassing and  
22 retaliatory behavior. Undeterred by Defendant's failure to appropriately respond to their  
23 complaints, the Charging Parties continued to complain about Islas' behavior to management.  
24 Ms. Cedillo, for example, complained to President Moon about Islas calling her "zorraputa" all  
25 the time. She also complained about Islas calling her ignorant, and even noted in follow up  
26 paperwork that the incident could have been avoided if Moon had put a stop to Islas' constant  
27 bullying and harassment that she had reported several times. Like Charging Party Amaranda  
28 Cedillo, Charging Party Ana Palacios also complained to President Moon about Islas'

1 discriminatory behavior. In fact, Moon grew so tired of hearing Ms. Palacios's complaints that  
2 he put Lucia Zavala in charge of hearing them for a period of time. Charging Party Herminia  
3 Esqueda also complained to management, including President Moon, about Islas' behavior to no  
4 avail.

5       28. When General Manager Cynthia Garcia began to work for Defendant in or around  
6 mid-2016, some of the claimants, including Charging Parties Herminia Esqueda and Ana  
7 Palacios, went to Defendant's newest member of management with the hope that Ms. Garcia  
8 would finally listen to their complaints and stop Islas' unlawful behavior. Again, however, their  
9 complaints fell on deaf ears, and Defendant failed to take appropriate remedial action in response  
10 to their complaints. Further, and egregiously, when Ms. Esqueda complained to Ms. Garcia, Ms.  
11 Garcia laughed and threatened to discharge her, telling Ms. Esqueda that if she did not like the  
12 way things were run, then she knew where the door was, and she could stay home.

13       29. Notwithstanding the myriad complaints made by the Charging Parties, Defendant  
14 failed to take sufficient reasonable care to prevent and promptly correct Islas' unlawful behavior.  
15 For example, when the Charging Parties would complain to President Moon about Islas'  
16 behavior, President Moon's responses, included, but were not limited to: shaking his head,  
17 saying he would talk to Islas, suggesting that the Charging Party was at fault, stating that maybe  
18 Islas is just a "machista" and suggesting that the Charging Party needed to learn to work with  
19 him, and/or moving/demoting the Charging Party. In addition, when the Charging Parties  
20 complained to other members of management, those members of management did not take  
21 sufficient corrective and preventive measures. In fact, as noted above, General Manager Garcia  
22 laughed at and threatened to fire Charging Party Herminia Esqueda following her complaint of  
23 harassment. As a result of Defendant's failure to take seriously the Charging Parties'  
24 complaints, the discriminatory behavior by Islas continued.

25       30. As Defendant failed to take appropriate and sufficient remedial measures to  
26 prevent and correct Islas' behavior, the Charging Parties resorted to filing complaints with the  
27 EEOC. Specifically, Charging Party Amaranda Cedillo filed her complaint with the EEOC in  
28 June 2016, alleging, *inter alia*, that she and other female employees had been subjected to

1 harassment on the basis of sex (female) as well as retaliation. Islas' behavior, however, did not  
2 cease. Accordingly, Charging Parties Herminia Esqueda and Ana Palacios thereafter filed  
3 similar complaints with the EEOC in September 2016. Notwithstanding the charges filed with  
4 the EEOC, of which Defendant received notice, Islas continued to engage in discriminatory  
5 behavior for several months after the initial charge was filed.

#### 6 RETALIATION

7 31. When some of the claimants would object to and/or complain about Islas's  
8 unwelcome behavior, they were subjected to retaliation, including retaliatory harassment,  
9 intimidation, the cutting and/or reduction of their hours/overtime, threats, including threats to be  
10 terminated, and/or relocation/demotion.

11 32. For example, following Charging Party Herminia Esqueda's complaints to  
12 management, Islas would, *inter alia*: cut Ms. Esqueda's hours because she had complained; set  
13 her machine to a faster pace than that of her co-workers; intimate that he was going to tell  
14 President Moon that she should be fired; and/or tell Ms. Esqueda that while she may think that  
15 she was making him look bad, President Moon only care about money and since Islas was  
16 making a lot of money for Moon, he can treat the employees however he wanted.

17 33. Likewise, after Charging Party Amaranda Cedillo complained about Islas'  
18 behavior, she was subjected to retaliation. For example, after complaining to Defendant,  
19 including President Moon, about Islas' harassment, Defendant moved Ms. Cedillo from the  
20 production department to the printing department, giving her three months to learn the new work.  
21 The printing department work was much more detailed-oriented and difficult, requiring a higher  
22 level of precision and care. As a result, it was easier to make errors and was more stressful than  
23 the work in the production department. After Defendant moved Ms. Cedillo to the printing  
24 department, Islas' bragged to Ms. Cedillo's coworker via text about how Ms. Cedillo was moved  
25 and nothing had happened to him following her complaint, texting "HAHAHAHA. Quien rie al  
26 ultimo" (Who laughs last). In addition, following Ms. Cedillo's complaints to Defendant, Islas  
27 subjected Ms. Cedillo to retaliatory harassment and intimidation by, *inter alia*, threatening her,  
28

1 including intimating that he was going to have Ms. Cedillo fired, and making repeated negative  
2 comments about her and/or the complaints that she made within earshot.

3 34. Like the other Charging Parties, Charging Party Ana Palacios was also subjected  
4 to retaliation. Following her complaints to Defendant's management regarding Islas' unwelcome  
5 conduct, for example, Islas subjected Ms. Palacios to intimidation and a hostile work  
6 environment, including, but not limited to: saying that she should be fired; calling her offensive  
7 names, including, but not limited to, "puta vieja" (fucking old lady"); threatening her, including  
8 making multiple death threats; and actively looking for and/or manufacturing errors to report to  
9 management about her.

10 35. In addition, following Charging Party Ana Palacios's myriad complaints to  
11 Defendant regarding Islas' harassment, President Moon demoted Ms. Palacios from the position  
12 of printing department manager to that of printing technician/operator. At the time of her  
13 demotion, Ms. Palacios inquired whether this change was due to her work performance or  
14 because of Islas. In response, President Moon paused, and then stated that he thought it was best  
15 because of Islas. Thereafter, Ms. Palacios complained to Senior Account Manager / Printing  
16 Department Supervisor Lucia Zavala, noting that the demotion was not fair and that the real issue  
17 was that Defendant was unable to control Islas. Ms. Zavala agreed but indicated to Ms. Palacios  
18 that there was nothing that she could do. Following her demotion, Ms. Zavala, at the direction of  
19 President Moon, disciplined Ms. Palacios for a printing error. This marked one of the first times  
20 that Ms. Palacios had ever been disciplined by Defendant after having worked there for over a  
21 decade. Defendant disciplined Ms. Palacios for the printing error even though it had not  
22 similarly disciplined others who had previously made the same error. Thereafter, Defendant  
23 hired a new printing department manager who seemed to have less experience than Ms. Palacios.

24 36. The unlawful employment practices complained of above were intentional.

25 37. The effect of the practices complained of above has been to deprive the Charging  
26 Parties and a class of aggrieved individuals of equal employment opportunities and otherwise  
27 adversely affect their status as employees because of their sex (female).

28

39. The unlawful employment practices complained of above were intentional and caused the Charging Parties and a class of aggrieved individuals to suffer emotional distress.

### PRAYER FOR RELIEF

2           A.       Grant a permanent injunction enjoining Defendant, its officers, successors,  
3 assigns, and all persons in active concert or participation with it, from engaging in any  
4 employment practices in violation of Sections 703(a) and 704(a) of Title VII.

C. Order Defendant to make whole the Charging Parties and class of aggrieved individuals by providing compensation for past and future non-pecuniary losses, pursuant to Title VII, resulting from the unlawful practices described above, including but not limited to emotional pain, suffering, inconvenience, mental anguish, humiliation, and loss of enjoyment of life, in amounts to be determined at trial.

7 |||

1 E. Order Defendant to pay the Charging Parties and a class of aggrieved individuals  
2 punitive damages, pursuant to Title VII, for its malicious or reckless conduct as described  
3 above, in amounts to be determined at trial.

4 F. Grant such further relief as the Court deems necessary and proper in the public  
5 interest.

6 G. Award the Commission its costs of this action.

7 **JURY TRIAL DEMAND**

8 The Commission requests a jury trial on all questions of fact raised by its Complaint.  
9

10 Dated: June 12, 2018

Respectfully Submitted

11 JAMES LEE,  
12 Deputy General Counsel

13  
14 GWENDOLYN YOUNG REAMS,  
15 Associate General Counsel

16 U.S. EQUAL EMPLOYMENT  
17 OPPORTUNITY COMMISSION  
18 131 "M" Street, N.E.  
19 Washington, D.C. 20507

20 By: 

21 ANNA Y. PARK,  
22 Regional Attorney

23 U.S. EQUAL EMPLOYMENT  
24 OPPORTUNITY COMMISSION  
25  
26  
27  
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